

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION )  
This document relates to: ) Case No. 1:17-MD-2804  
All Cases )  
 ) JUDGE POLSTER  
 )  
 )  
 ) ORDER APPOINTING  
 ) ADMINISTRATOR AND FEE PANEL FOR  
 ) TRACK ONE COMMON BENEFIT FUND

On July 22, 2021, the Court established a common benefit fund in connection with Track One settlements (the “Track One Common Benefit Fund”). *See Order Establishing Common Benefit Fee Fund and Directing Certain Payments* (Dkt. No. 3794); *Order Appointing Certified Public Accountant to Maintain and Act as Escrow Agent for the Common Benefit Fee Fund* (Dkt. No. 3810). On May 9, 2022, the Court established a separate common benefit fund in connection with future settlements that do not contain their own provisions for reimbursement of common benefit fees; the new common benefit fund is referred to as the Court Common Benefit Fund. *See Ongoing Common Benefit Order* (Dkt. No. 4428). The Court appointed David R. Cohen as Administrator of the Court Common Benefit Fund (the “Administrator”), and further appointed David R. Cohen, Randi S. Ellis and Hon. David R. Herndon (the “Fee Panel”) to administer and oversee the Court Common Benefit Fund. *See id.*

To maximize efficiency, the Court concludes that the Administrator and Fee Panel of the Court Common Benefit Fund should also oversee the Track One Common Benefit Fund, so that the Track One Common Benefit Fund may be invested and managed in the same way as the Court Common Benefit Fund and other attorney fee funds that are supervised and managed by the Administrator and Fee Panel. The Court is *not* directing the Fee Panel to undertake any work

toward determining awards from the Track One Common Benefit Fund. The Court will determine at a future time, with input from counsel, when and how such awards will be made.

Accordingly, the Court hereby appoints the Administrator and Fee Panel to administer and oversee the Track One Common Benefit Fund pursuant to and in a manner consistent in all respects with the Court's August 8, 2021 Order (Dkt. No. 3828), and bestows upon the Administrator and Fee Panel the same responsibilities, discretion, and protections as they have in connection with those roles in the Court Common Benefit Fund.<sup>1</sup> The Court directs escrow agent Mr. Greggory Dantio to do and perform, or cause to be done and performed, all such further acts and things, and to execute and deliver all such other documents, as the Administrator and/or Fee Panel may reasonably request in order to carry out their respective duties pursuant to this Order.

This Court will have continuing jurisdiction over the Track One Common Benefit Fund and may enter such further Orders as may be necessary and appropriate.

**IT IS SO ORDERED.**

/s/ *Dan Aaron Polster*.  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

**Dated:** October 27, 2022

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<sup>1</sup> The Administrator and Fee Panel shall *not* be required to structure or operate the Track One Common Benefit Fund in a manner so that it qualifies as a "qualified settlement fund" as described in Treasury Regulations Section 1.468B-1.